

Legislative Rule-Making Review Committee
Sunday, November 15, 2015

Senate Judiciary Committee Room
5:00 p.m. to 10:00 p.m.

Senate

Maynard, Chair	Present
Boley	Present
Karnes	Present
Miller	
Snyder	Present
Sypolt	Present

House

Sobonya, Chair	Present
Frich, Vice-Chair	Present
Hanshaw	Present
Moffatt	Present
Rowe	Present
Fleischauer	Present

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 5:00 p.m. on Sunday, November 16, 2015. The meeting was called to order by the Senate Chair, Senator Maynard. A silent roll call was taken by the Clerk as reflected above. Staff present included Debra Graham, Chief Counsel; Brian Casto, House Counsel; Seth Gaskins, House Counsel; Jennifer S. Greenlief, Senate Counsel; Jared Wyrick, Senate Clerk; Beth Lovell, Senate Clerk; James Fuerhoff, House Clerk; Kim Jeffrey, House Clerk and Mark White, House Clerk.

On motion of Senator Maynard, the minutes from the October 2015 interim meetings, were approved.

With leave of the Committee, the following rules were pulled from the agenda:

DEP - Oil and Gas Division, Horizontal Well Development, 35CSR8; and

DEP - Water and Waste Management, Aboveground Storage Tanks, 47CSR64.

Jennifer S. Greenlief, Associate Counsel, explained her abstract on the rule proposed by the **Division of Labor, Elevator Safety Act, 42CSR21**, and responded to questions from the Committee. Ms. Greenlief stated that the Division has approved the modifications.

John R. Junkins, Acting Commissioner, Division of Labor, addressed the Committee and responded to questions.

Mark Mullins, Elevator Mechanic and Inspector with the Elevator Industry, addressed the Committee and responded to questions.

On motion of Delegate Sobonya, the proposed rule was approved as modified.

Jennifer S. Greenlief, Associate Counsel, explained her abstract on the rule proposed by the **Division of Labor, Licensing of Elevator Mechanics and Technicians and Registration of Apprentices, 42CSR21A**, and responded to questions from the Committee.

Mark Mullins, Elevator Mechanic and Inspector with the Elevator Industry, addressed the Committee and responded to questions.

On motion of Delegate Sobonya, the proposed rule was approved.

Brian Casto, House Counsel, explained his abstract on the rule proposed by the **DEP – Air Quality, Control of Annual Nitrogen Oxide Emissions, 45CSR39**, and responded to questions.

Fred Durham, Director, DEP Division of Air Quality, addressed the committee and responded to questions.

Kristin Boggs, General Counsel for the DEP, addressed the Committee and responded to questions.

Upon motion of Delegate Sabonya, the proposed rule was approved.

Brian Casto, House Counsel, explained his abstract on the rule proposed by the **DEP – Air Quality, Control of Ozone Season Nitrogen Oxides Emissions, 45CSR40**.

Upon motion of Delegate Sabonya, the proposed rule was approved.

Brian Casto, House Counsel, explained his abstract on the rule proposed by **DEP – Air Quality, Control of Annual Sulfur Dioxide Emissions, 45CSR41**.

Upon motion of Delegate Sabonya, the proposed rule was approved.

Seth Gaskins, House Counsel, explained his abstract on the rule proposed by **DEP – Water and Waste Management, Aboveground Storage Tank Fee Assessments, 47CSR64**.

Upon motion of Delegate Sabonya, the proposed rule was approved.

Seth Gaskins, House Counsel, explained his abstract on the rule proposed by the **DEP – Water and Waste Management – Aboveground Storage Tanks Administrative Proceedings and Civil Penalty Assessment, 47CSR65**, and responded to questions.

Kristin Boggs, DEP General Counsel, addressed the Committee and responded to questions.

Debra Graham, Chief Counsel, LRMRC, addressed the Committee and responded to questions.

Upon motion of Delegate Rowe, the rule was laid over until Wednesday, November 18, 2015.

Seth Gaskins, House Counsel, explained his abstract on the rule proposed by the **DEP – Water and Waste Management, Requirements Governing Water Quality Standards, 47CSR2**, and responded to questions.

Laura Cooper, DEP Assistant Director for Water Quality Standards, addressed the Committee and responded to questions.

Angie Rosser, West Virginia Rivers Coalition, addressed the Committee and responded to questions.

Jason Bostic, West Virginia Coal Association, addressed the Committee and Responded to questions.

Delegate Rowe spoke to the rule.

Upon motion of Delegate Sabonya, rule was approved as modified.

Delegate Rowe requested to be recorded as a no vote.

Seth Gaskins, House Counsel, explained his abstract on the rule proposed by **DEP – Water and Waste Management, Surface Mining Reclamation, 38CSR2**, and responded to questions.

Jason Bostic, West Virginia Coal Association, addressed the Committee and responded to the questions.

Upon motion of Delegate Sabonya, the rule was approved.

Seth Gaskins, House Counsel, explained his abstract on the rule proposed by **DEP – Administrative Proceeding and Civil Penalty Assessment, 47CSR30B**, and responded to questions.

Kristin Boggs, DEP General Counsel, addressed the Committee and responded to questions.

Senator Karnes motioned to lay the proposed rule over until Wednesday, November 18, 2015. The motion was rejected.

Upon motion of Delegate Sabonya, the rule was approved.

There being no further business to come before the committee, upon motion of Delegate Sabonya, the meeting was adjourned.